

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
*NORFOLK DIVISION*

UNITED STATES OF AMERICA,

v.

Criminal No.: 2:18cr119

DESMOND LITTLEJOHN

**MOTION TO DISMISS FOR LACK OF JURISDICTION**

NOW COMES the Defendant, by counsel, and moves this Court, pursuant to Rule 12 of the Federal Rules of Criminal Procedure, and 18 US Code § 1951, to dismiss the indictment for lack of jurisdiction. Specifically, the alleged crime has no affect on interstate commerce. In support thereof, the Defendant states as follows:

1. The alleged victim was allegedly robbed at gunpoint in front of his home.
2. A bag was taken.
3. The bag contained many items including, printer tape, a handgun, credit card receipts, and cash.
4. All items other than the cash were discarded and recovered.
5. The object of the robbery was the cash.
6. The asserted impact on interstate commerce is that the alleged victim allegedly holds a federal firearm sales licensure. He takes empty shell casings and fills them with gunpowder and shot creating ammunition. He then sells the ammunition.
7. The asserted travelling of these goods is that the empty shell casings cross state lines, and that the alleged victim takes this ammunition from time to time across state lines to sell them.
8. The object of the robbery is the cash, not the ammunition.

WHEREFORE: For the reasons set forth above, the Defendant, by counsel, respectfully moves this Court to dismiss the indictment because there is no affect on interstate commerce as required by 18 US Code § 1951. The defense is amenable should the Court request a brief or Memorandum of Law.

DESMOND LITTLEJOHN

\_\_\_\_\_/s/\_\_\_\_\_  
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**CERTIFICATE OF SERVICE**

I hereby certify that on October 5, 2018, I served a true copy of the foregoing via the CM/ECF system, which will send a notification of such filing (NEF) to all counsel of record, including:

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\_\_\_\_\_/s/\_\_\_\_\_  
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